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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,650	09/08/2003	Larry J. Pacey	47079-00134USPT	2836
30223	7590	04/21/2004	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			MENDOZA, ROBERT J	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,650	Applicant(s) PACEY ET AL. R	
	Examiner Robert J Mendoza	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 11-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sines et al (USPN 6,165,069).

Sines, in col. 9:15-67, col. 10:1-67 and col. 11:1-67, discloses a gaming machine comprising: means for receiving a wager; a system memory containing physical object data and simulation rule data; a display; a central processor for processing said physical object data and said simulation world data to produce a realistic depiction of gaming activity on said display; and means for awarding a payoff based on an outcome of said gaming activity. Sines, in col. 9:15-67, col. 10:1-67 and col. 11:1-67, discloses a 3D processor interacting with said central processor to facilitate the production of said real-world gaming activity on said display and physical object data includes data relating to the mass and dimensions of at least one simulated object. Sines, in col. 9:15-67, col. 10:1-67, col. 11:1-67, col. 12:35-67, col. 13:17-67 and col. 17:1-67, discloses a simulation rule data includes data relating to a simulated gaming world and data relating to rules for interaction between aid physical object data and said simulated gaming world data and said gaming machine is adapted to display three-dimensional simulations of gaming activities and said processor is adapted to firstly use said physical object data and said simulation rule data to mathematically model said gaming activity and to secondly enable the display of said realistic

Art Unit: 3713

depiction on said display. Sines, in col. 9:15-67, col. 10:1-67, col. 11:1-67, col. 12:35-67, col. 13:17-67 and col. 17:1-67, discloses accessing motion capture data and using said motion capture data while displaying said visual depiction. Sines, in col. 9:15-67, col. 10:1-67, col. 11:1-67, col. 12:35-67, col. 13:17-67 and col. 17:1-67, discloses wherein simultaneously simulating and displaying said interaction comprises simulating and displaying a casino-style game selected from the group consisting of roulette, craps, slots, cards, and wheel of fortune. Sines, in col. 9:15-67, col. 10:1-67, col. 11:1-67, col. 12:35-67, col. 13:17-67, col. 17:1-67, col. 19:23-67 and col. 20:1-67, discloses a method of operating a gaming machine comprising: accepting a wager; implementing a physics engine using physical object data and simulation rule data to numerically simulate an interaction of physical objects, thereby creating a simulated interaction; rendering a visual display of said simulated interaction using a two-dimensional representation of three-dimensional forms; determining an outcome of said interaction', and awarding a payoff if said outcome meets winning criteria.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al in view of OFFICIAL NOTICE.

Sines does not disclose simulating and displaying a sports wherein the sports game is selected from the group consisting of baseball, basketball, soccer, hockey, football, bowling and

Art Unit: 3713

racing. Instead, Sines discloses three dimensionally and virtually simulating casino games.

OFFICAL NOTICE has been taken that it is common with the art to three dimensionally or virtually simulate sports games like baseball, basketball, soccer, hockey, football, bowling and racing to entertain sport fanatics. One having ordinary skill in the art would have found it obvious to incorporate a simulated sports game into the disclosed invention of Sines, in view of the OFFICAL NOTICE, in order to diversify the types of simulated games offered by the gaming machine and increase the excitement of the game.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM
April 16, 2004


Teresa Walberg
Supervisory Patent Examiner
Group 3700